AMENDMENTS TO THE CLAIMS

1-25. (Cancelled)

26. (New) A light emitting device, comprising:

a first gallium nitride layer;

a second gallium nitride layer formed over the first gallium nitride layer;

an active layer having an InGaN/InGaN structure of a multi-quantum well structure formed between the first gallium nitride layer and the second gallium nitride layer; and

an $In_xGa_{1-x}N/In_yGa_{1-y}N$ multi-layer formed between the first gallium nitride layer and the active layer to intercept an applied electrostatic discharge,

wherein In content with respect to Ga and In content of the active layer is greater than In content with respect to Ga and In content of the $In_xGa_{1-x}N/In_yGa_{1-y}N$ multi-layer.

27. (New) The device according to claim 26, wherein the active layer is directly formed on the $In_xGa_{1-x}N/In_yGa_{1-y}N$ multi-layer.

28. (New) The device according to claim 26, wherein the $In_xGa_{1-x}N/In_yGa_{1-y}N$ multi-layer has a plurality of pits formed thereon.

29. (New) The device according to claim 28, wherein the number of the pits is 50 or less per area of $5\mu m \times 5\mu m$.

30. (New) The device according to claim 26, wherein the $In_xGa_{1-x}N/In_yGa_{1-y}N$ multi-layer is formed to have a super lattice structure.

31. (New) The device according to claim 26, wherein each layer of the $In_xGa_{1-x}N/In_yGa_{1-y}N$ multi-layer has a thickness of 1~3000 Å.

32. (New) The device according to claim 26, wherein the $In_xGa_{1-x}N/In_yGa_{1-y}N$ multi-layer has a photoluminescence characteristic of a yellow band intensity/N-doped GaN intensity ratio of 0.4 or below.

33. (New) A light emitting diode (LED), comprising:

a first gallium nitride layer;

an $In_xGa_{1-x}N/In_yGa_{1-y}N$ multi-layer formed over the first gallium nitride layer;

an active layer formed over the $In_xGa_{1-x}N/In_yGa_{1-y}N$ multi-layer; and

a second gallium nitride layer formed over the active layer.

34. (New) The LED according to claim 33, wherein the active layer comprises an InGaN/InGaN structure of a multi-quantum well structure.

35. (New) The LED according to claim 33, wherein the $In_xGa_{1-x}N/In_yGa_{1-y}N$ multi-layer has a plurality of pits formed thereon.

36. (New) The LED according to claim 35, wherein the number of the pits is 50 or less per area of 5μm×5μm.

37. (New) The LED according to claim 33, wherein the $In_xGa_{1-x}N/In_yGa_{1-y}N$ multi-layer is formed to have a super lattice structure.

38. (New) The LED according to claim 33, wherein each layer of the $In_xGa_{1-x}N/In_yGa_{1-y}N$ multi-layer has a thickness of 1~3000 Å.

39. (New) The LED according to claim 33, wherein the $In_xGa_{1-x}N/In_yGa_{1-y}N$ multi-layer has a photoluminescence characteristic of a yellow band intensity/N-doped GaN intensity ratio of 0.4 or below.

40. (New) The LED according to claim 33, wherein the active layer is directly formed on the $In_xGa_{1-x}N/In_yGa_{1-y}N$ multi-layer

41. (New) The LED according to claim 33, wherein the LED is blue LED.

42. (New) A method for manufacturing a light emitting device, the method comprising the steps of:

forming an N-type gallium nitride layer;

forming an $In_xGa_{1-x}N/In_yGa_{1-y}N$ multi-layer above the N-type gallium nitride layer, the $In_xGa_{1-x}N/In_yGa_{1-y}N$ multi-layer including layers of first and second growth temperatures;

forming an active layer above the $In_xGa_{1-x}N/In_yGa_{1-y}N$ multi-layer; and

forming a P-type gallium nitride layer above the active layer,

wherein the active layer is grown at a temperature lower than the first and second temperatures.

43. (New) The method according to claim 42, wherein the active layer is grown at 600~800 °C.

44. (New) The method according to claim 42, wherein the active layer comprises an InGaN/InGaN structure of a multi-quantum well structure.

45. (New) The method according to claim 42, wherein the $In_xGa_{1-x}N/In_yGa_{1-y}N$ multi-layer has a plurality of pits formed thereon.

46. (New) The method according to claim 45, wherein the number of the pits is 50 or less per area of $5\mu m \times 5\mu m$.

47. (New) The method according to claim 42, wherein the $In_xGa_{1-x}N/In_yGa_{1-y}N$ multi-layer is formed to have a super lattice structure.

48. (New) The method according to claim 42, wherein each layer of the $In_xGa_{1-x}N/In_yGa_{1-y}N$ multi-layer has a thickness of 1~3000 Å.

49. (New) The method according to claim 42, wherein the $In_xGa_{1-x}N/In_yGa_{1-y}N$ multi-layer has a photoluminescence characteristic of a yellow band intensity/N-doped GaN intensity ratio of 0.4 or below.

50. (New) The method according to claim 42, wherein the active layer is directly formed on the $In_xGa_{1-x}N/In_yGa_{1-y}N$ multi-layer.